

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (original): A light emitting device comprising:
a light emitting element, disposed on a base member;
a diffusing layer, covering the light emitting element; and
a phosphor layer, disposed on top of the diffusing layer.

Claim 2 (original): The light emitting device according to Claim 1,
wherein
the diffusing layer has a diffusing agent, and an added amount of the diffusing agent
is 3 to 5 mass%.

Claim 3 (currently amended): The light emitting device according to Claim 1-~~or~~ 2,
wherein
a bonding surface of the diffusing layer and the phosphor layer is formed to a
concavely curved surface that is recessed toward the light emitting element side.

Claim 4 (original): A light emitting device comprising:
a light emitting element, disposed on a base member; and
a phosphor layer, having a phosphor that emits visible light upon being excited by
light emitted from the light emitting element and includes phosphor particles, which are
secondary particles formed of small particles of the phosphor and have a particle diameter in
a range of 5 to 10 μ m.

Claim 5 (original): A light emitting device comprising:

a light emitting element, disposed on a base member; and
a phosphor layer, having a phosphor that emits visible light upon being excited by light emitted from the light emitting element and includes phosphor particles with a particle size distribution in which two or more peaks are present.

Claim 6 (currently amended): The light emitting device according to
Claim 4 ~~or 5~~, wherein

the phosphor layer is formed by filling and solidifying a resin with a viscosity in a range of 0.1 to 10Pa.s.

Claim 7 (currently amended): The light emitting device according to
~~any one of Claims 4 to 6~~, Claim 4, wherein

the light emitting element includes a light emitting diode element that emits a blue light, and

the phosphor includes a yellow to orange light emitting phosphor that emits yellow light or orange light upon being excited by the blue light emitted from the light emitting diode element.

Claim 8 (currently amended): An illuminating device, comprising:
the light emitting device according to ~~any one of Claims 1 to 7~~ Claim 1; and
a lens disposed on the base member.

Claim 9 (new): An illuminating device, comprising:
the light emitting device according to Claim 4; and
a lens disposed on the base member.

Claim 10 (new): An illuminating device, comprising:
the light emitting device according to Claim 5; and
a lens disposed on the base member.